

REMARKS

In the Office Action dated June 26, 2006, claims 16-27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 7 and 9-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,394,632 of Gebka et al. (Gebka). Claims 16-23 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,899,011 to Brinkman in view of U.S. Patent No. 6,026,603 of Kump et al. (Kump) and U.S. Patent No. 4,373,693 of Greenberger. Claims 24 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinkman in view of Kump and Greenberger and in further view of Design Patent No. D453,798 of Gray. Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinkman in view of Kump, Greenberger and Gray in further view of U.S. Patent No. 4,557,064 of Thompson. Claims 28, 29, 35, 38, 39 and 44-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gebka in view of Kump. Claim 43 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Gebka in view of Kump and in further view of Greenberger. Claims 8, 14, 15, 36 and 37 were objected to as being dependent on a rejected base claim. It was stated that these claims would be allowable if they were rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 47-53 were allowed. For the reasons outlined in detail below, it is respectfully submitted that the pending claims are in condition for allowance.

§ 112 Rejection

Claims 16-27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More particularly, in claim 16, line 7, it was not understood which lower end was meant by "said lower end." In reply, applicants have amended claim 16 to now recite --said lower end of said body panel--. As such, it is respectfully submitted that the § 112 rejection is now moot.

Independent Claim 7 and Dependent Claims 8-15

Claims 7 and 9-13 were rejected as being anticipated by Gebka. Applicants have amended claim 7 to now recite a label holder comprising a body panel, a first clip member and a second clip member. The second clip member includes a stem extending rearwardly away from the rear surface, at least one arm extending from the stem and disposed adjacent a distal end of the stem when the first and second clip members cooperate to selectively hold between them a projecting portion of the associated shelf, and wherein the first clip member generally defines an L-shape and is connected proximal to a lower end of the body panel.

The recitation of the first clip member generally defining an L-shape wherein the first clip member is connected proximal to a lower end of the body panel is language imported from dependent claim 8. As noted in paragraph 12 of the Office Action, claim 8 was merely objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

While applicants have added the subject matter of claim 8 to claim 7, certain recitations in claim 7 have been removed because they appear unnecessary. More particularly, the second clip member has been redefined as including a stem extending rearwardly away from the rear surface of the body panel and at least one arm extending from the stem, and disposed adjacent a distal end of the stem. It is respectfully submitted that there is no teaching or disclosure in the applied Gebka reference which would render unpatentable pending claim 7. Moreover, claim 7 is also patentable over the remainder of the cited art.

Dependent claim 8 has been cancelled as its subject matter has been incorporated into claim 7.

Dependent claims 9-13 are believed to be patentable for the reasons advanced above.

While it is appreciated that dependent claims 14 and 15 were said to contain allowable subject matter and would be allowable if rewritten in independent form, it is respectfully submitted that these claims are patentable even in their dependent form for the reasons advanced above.

Independent Claim 16 and Dependent Claims 17-21 and 23-27

Claims 16-23 and 27 were rejected as being unpatentable over Brinkman in view of Kump and Greenberger. Brinkman was said to disclose a holder having a cover panel 26 with a front surface, a rear surface, an upper end and a lower end, a body panel 14 having a front surface, a rear surface, an upper end and a lower end, and a clip 70 having a first portion secured to the rear surface of the body panel proximal to

the lower end, the clip extending rearwardly away from the body panel rear surface. A hinge was said to connect the lower end of the cover panel with the lower end of the body panel. It was admitted that Brinkman does not disclose a first sign holder and a second sign holder, both mounted to the cover panel.

Kump was employed for its teaching of attaching a sign holder to the cover panel of a label holder. It was stated that it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach a sign holder to the cover panel disclosed by Brinkman modifying the top edge of the cover panel in the process, as taught by Kump in order to display a large attention getting sign on the holder. It was also admitted that Brinkman, even as modified by Kump, does not disclose a second sign holder.

Greenberger was used for this purpose. It was stated that Greenberger teaches that it was known to attach a sign holder to a card-shaped object (of the type that could be mounted to the holder taught by Kump). It was then asserted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to attach a sign holder of the type taught by Greenberger to the label holder disclosed by Brinkman, as modified by Kump, in order to attach a sign that projects away from the label holder, thereby drawing even more attention to the label holder.

Claim 16 has been amended to now recite a holder for a label, the holder comprising a cover panel, a body panel, a clip, a hinge, a first sign holder mounted to the cover panel and a second sign holder selectively mounted to the cover panel. The second sign holder includes a finger positively engaging a ridge of the cover panel. This subject matter is drawn from claim 22 of the pending claims. The Office Action

stated in connection with claim 22 that the lower-most fin of the first sign holder in Kump constitutes a ridge. That assertion is respectfully disputed.

The ridge identified by numeral 243 in Figure 10 of the instant application's drawings is not a flexible fin, such as is identified by the numerals 227' and 229' in Figure 10. It is relatively rigid. However, in the secondary Kump reference, the "ridge" would have to be one of the fins 60, illustrated in Kump. The flexible fins, however, would not easily hold a second sign holder in place as the weight of the second sign holder, including its sign, would most likely cause the second sign holder to slip out of the first sign holder. It is for this reason that Figure 10 of the instant drawings illustrates a mounting member 320 which includes a finger 360 at the upper end 328 which can be hooked onto the ridge 243 of the sign holder 210' (see the instant specification, page 11, lines 7-8). There is no teaching or disclosure of such a positive engagement in the asserted three-way combination of Gebka, Kump and Greenberger. Accordingly, it is respectfully submitted that independent claim patentably defines over the applied three-way combination, as well as the remainder of the cited art.

Dependent claims 17-21, 23 and 27 merely further patentably define the detailed subject matter of their parent claim or each other. As such, these claims are also believed to be in condition for allowance over the art of record.

Dependent claims 24 and 25 were rejected as being unpatentable over the four-way combination of Brinkman, Kump, Greenberger and Gray. However, Gray does not provide those teachings which are clearly absent from the three-way combination of Brinkman, Kump and Greenberger. As such, it is respectfully submitted that claims 24 and 25 are also in condition for allowance over the art of record.

Claim 26 was rejected as being unpatentable in view of a five-way combination of Brinkman, Kump, Greenberger, Gray and Thompson. However, Thompson also does not provide those elements which are clearly missing from the four-way combination referenced in connection with claims 24 and 25. As such, it is respectfully submitted that claim 26 also patentably defines over the five-way combination asserted in the Office Action, as well as the remainder of the cited art.

Independent Claim 28

Claim 28 was rejected as being unpatentable over Gebka in view of Kump. However, claim 28 has now been amended to recite a holder for a label comprising a cover panel, a body panel, a hinge, a sign gripping member, a first clip and a second clip. The second clip is recited to be approximately arrow-shaped in cross section and includes a stem, an upwardly extending arm located at a distal end of the stem and a downwardly extending arm disposed adjacent the distal end of the stem. It is respectfully submitted that there is no teaching or disclosure in Gebka or the combination of Gebka and Kump of a second clip member which extends rearwardly away from a rear surface of the body panel and is approximately arrow shaped in cross section, so that it includes a stem, an upwardly extending arm and a downwardly extending arm, as recited in claim 28.

While Gebka assertedly discloses a second clip member, including a stem (stated to be analogous to 16A' in Figure 4), that stem does not extend rearwardly away from a rear surface of the body panel, as called for by claim 28. In fact, the stem is merely an upper end of the body panel 12' of Gebka. Moreover, at least one of the two

Gebka arms, namely, arm 17' illustrated in Figure 4 is clearly disposed forwardly of the rear panel 12'. Thus, it cannot constitute either of the two arms of the second clip member recited in claim 28. Kump does not supply those teachings which are clearly absent from Gebka.

In view of the foregoing, it is respectfully submitted that claim 28 patentably defines over the asserted combination of Gebka and Kump, as well as the remainder of the cited art.

Independent Claim 29 and Dependent Claims 35-39, 43-46 and 54-57

Independent claim 29 and dependent claims 35, 38, 39 and 44-46 were rejected as being unpatentable over Gebka in view of Kump. However, it was stated that dependent claim 37 was merely objected to as being dependent on a rejected base claim. It was stated that claim 37 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Applicants have added the subject matter of claim 37 to independent claim 29. Thus, claim 29 now recites that the first gripping member cooperates with the rear panel of the label holder to form a pocket and the second gripping member is located in the pocket.

Claim 29 has also been amended to remove certain recitations concerning the second gripping member. More particularly, claim 29 now recites that the second gripping member comprises a stem and at least one arm extending from the stem. As so rewritten, it is respectfully submitted that claim 29 patentably defines over the asserted combination of Gebka and Kump, as well as the remainder of the cited art.

Dependent claims 29, 35, 38, 39 and 44-46, since they merely further patentably define the detailed subject matter of their parent claim or each other, are also believed to be in condition for allowance over the applied combination of references as well as the remainder of the art of record.

Applicant takes this opportunity to submit new dependent claims 54-57, which all depend from claim 29. Claim 54 recites that the label holder further comprises a first sign holder, the first sign holder being located on the front panel. Because this recitation can be found in certain already pending claims of the instant application, it is respectfully submitted that no new subject matter is being added thereby.

New dependent claim 55 recites that the at least one arm of the second gripping member is located adjacent a distal end of the stem. This is evident from the instant application's drawings. Claim 56 recites that the at least one arm extends downwardly from the stem. This recitation can also be seen in the instant application's drawings and no new subject matter is being added thereby.

Finally, newly submitted dependent claim 57 recites that the second gripping member comprises two arms. This recitation can also be seen in the instant application's drawings and, thus, no new subject matter is being added. It is respectfully submitted that all of dependent claims 54-57 are in condition for allowance over the applied references as well as the remainder of the art of record.

Independent Claim 47 and Dependent Claims 48-53

These claims were allowed in paragraph 13 of the Office Action. Such allowance is gratefully acknowledged.

In view of the foregoing, it is respectfully submitted that all of the pending claims are now in condition for allowance over the art of record. Such allowance is earnestly solicited.

Respectfully submitted,

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